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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/026,493      | 12/20/2001  | Gary A. Pozamsky     | 496.014US1          | 9288             |

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EXAMINER

SMITH, DUANE

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1724

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/026,493

Applicant(s)

POZARNISKY ET AL.

Examiner

Duane S. Smith

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_

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1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

At page 2 lines 2-3; page 2 line 12, page 2 lines 20-21, page 3 line 1, page 3 line 5, page 3 line 9, page 3 line 11, page 11 line 3, page 11 line 10, page 12 lines 17-18, page 12 line 27, page 13 lines 1-2, page 13 lines 24-27, page 17 lines 4-5, page 18 lines 27-28, page 19 line 6, page 19 line 26, page 20 line 11, and page 26 lines 25-27.

2. The use of the trademarks

-ISOPAR and PURASOLV at page 12 line 8.

-at page 21 lines 2,4,5,6,8,13,21 of ISOPAR G, DC200, DC704, CARBOWAX 200, CARBOWAX 400, CARBOWAX 600, LTM, and PLACCEL.

-at page 26 lines 3-4 of ISOPAR, PURASOLV, and DOWANAL.

has been noted in this application. It should be capitalized wherever it appears

**and be accompanied by the generic terminology.**

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code at page 16 line 25. Applicant is required to

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delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

"10", "12", "14", "15", "16", "17", "18", "19", "20", "22", "23", "24", "26", "32", "38", "40", "36", "34", "42", "44" as on page 26 lines 9-23 in Fig. 1.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

"204", "202", "206", "200", "226", "224", "228", "220" as in Figs. 2A and 2B.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the

Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. Claims 1-17 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance: None of the prior art of record teach nor suggest the claimed features of a process of collecting pigment nanoparticles by moving pigment nanoparticles in a gaseous carrying environment through a dry mechanical pumping system and contacting the pigment

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nanoparticles with an inert liquid collecting medium within the dry mechanical pumping system or after the dry mechanical pumping system in combination with the other steps of the independent instant claim 1 nor an apparatus for practicing the method of instant claim 12 wherein a mechanical pump for moving the nonreactive gas with pigment material and the fluid to collect pigment particles with the other features of the independent claim. The closest prior art of record is to Hendrickson et al (US Patent No. 5,030,669) which discloses (Figs. 1-2, col. 10 line 62-col. 11 line 40, col. 11 line 41-col. 12-line 2) a similar method including the steps of forming a vapor from a solid pigment, providing an inert gaseous carrying medium to the vapor, solidifying some of the vapor to form pigment particles, moving the pigment particles to an inert contacting medium, contacting the pigment particles with an inert liquid collecting medium and moving the inert gaseous carrying medium to a mechanical vacuum pump after the contacting step. The instant invention differs from Hendrickson et al in that the dry mechanical pump moves the gaseous medium with entrained pigment particles to the inert liquid contacting medium before contacting and not after contacting as in Hendrickson et al. Thus, the instant invention is both novel and unobvious over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Sebenik et al, Takeuchi et al, Morita et al, Nishiwaki et al, Azuma et al, and Gonzalez-Blanco et al disclose similar methods of forming pigment particles.

8. This application is in condition for allowance except for the formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

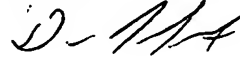
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duane S. Smith whose telephone number is 703-308-3792. The examiner can normally be reached on 8:30-6:00 M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

dss  
April 23, 2003

Duane S. Smith  
Primary Examiner  
Art Unit 1724

  
4-23-03